

February 17, 2005

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
FEBRUARY 17, 2005

I. OPENING OF MEETING AT 9:08 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell, Barbara J. Peterson and Betty Bukraba (via telephone), Commissioners; and Daniel Stralka and Andrew Barris of the Commission staff.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 20, 2005

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD JANUARY 20, 2005. COMMISSIONER PETERSON WAS RECORDED AS VOTING PRESENT.

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	154.....	6
Agriculture	492.....	18
Arts Council.....	21.....	1
Banks & Real Estate	1.....	0
Capitol Development Board	16.....	0
Central Management Services	1251.....	113
Children and Family Services.....	3434.....	40
Civil Service Commission	4.....	0
Commerce & Econ. Opportunity	472.....	60
Commerce Commission.....	56.....	0
Corrections.....	14,322.....	116
Criminal Justice Authority	79.....	5
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	8.....	1
Elections Board.....	57.....	1
Emergency Management Agency	110.....	2
Employment Security.....	1919.....	25
Environmental Protect. Agency	1115.....	15
Fin. & Prof. Regulation.....	820.....	35
Guardianship and Advocacy	108.....	6
Historic Preservation Agency	210.....	8
Human Rights Commission	11.....	2
Human Rights Department	133.....	7
Human Services	15,386.....	61
Industrial Commission.....	170.....	7
Investment Board.....	3.....	1
Labor.....	78.....	7
Labor Relations Board Educational	16.....	2
Labor Relations Board Local	1.....	0
Labor Relations Board State	18.....	2
Law Enforce. Trng. & Standard Bd.	24.....	1
Medical District Comm.....	2.....	0
Military Affairs	145.....	3
Natural Resources	1455.....	28
Pollution Control Board.....	25.....	3
Prisoner Review Board	22.....	0
Property Tax Appeal Board	21.....	2
Public Aid	2275.....	23
Public Health.....	1135.....	28
Revenue	2113.....	57
State Fire Marshal	137.....	7
State Police	1512.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	83.....	1
Transportation.....	4,071.....	1
Veterans Affairs.....	1180.....	2
TOTALS	54,677.....	705

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.
 4. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 5. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

Regarding Agenda Items C-E, Assistant Executive Director Andrew Barris stated that in addition to staff concerns regarding the reporting structure of the positions, several questions remained regarding the policy making authority of the positions and the potential for overlap in responsibilities. The Commission staff did not receive the revised position descriptions until 12:00 p.m. on February 16, 2005, and staff members were unable to confer with CMS representatives regarding the changes to the job descriptions. For these reasons, the agency requested they be continued until the March 17, 2005 meeting.

Regarding Agenda Items G and H, the Commission staff had questions regarding the policy-making responsibilities of the two positions. After speaking to Kevin Tirey at the Illinois Environmental Protection Agency, it was explained that Item G has principal policy-making responsibilities for prioritizing the work of all EPA laboratories throughout the State of Illinois. For this reason, the staff recommended exemption. The request for exemption for Item H was withdrawn.

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND THE MOTION UNANIMOUSLY ADOPTED TO CONTINUE OR APPROVE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS IN ACCORDANCE WITH STAFF RECOMMENDATION. COMMISSIONER BUKRABA WAS RECORDED AS VOTING PRESENT.

C. Requests for 4d(3) Exemption Continued by the Commission

The following 4d(3) requests for exemption were continued at the February 17, 2005 meeting until the March 17, 2005 meeting:

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-60-340-01-01
Bureau/Division: Bureau of Property Management/Transactions & Property
Incumbent: Vacant
Supervisor: Manager of Transactions and Property Administration
Location: Cook County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-60-330-01-02
Bureau/Division: Bureau of Property Management/Transactions & Property
Incumbent: Vacant
Supervisor: Manager of Transactions and Property Administration
Location: Sangamon County

Agency: Central Management Services
Position Title: Senior Public Service Administrator
Position Number: 40070-37-60-310-01-02
Bureau/Division: Bureau Of Property Management/Transactions and
Property Administration
Incumbent: Vacant
Supervisor: Manager of Transactions and Property Administration
Location: Cook County

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IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

D. Requests for 4d(3) Exemption Approved by the Commission

The following 4d(3) requests for exemption were approved at the February 17, 2005 meeting:

Agency: Environmental Protection Agency
Position Title: Senior Public Service Administrator
Position Number: 40070-46-13-000-00-01
Division: Bureau of Air
Incumbent: Vacant
Supervisor: Deputy Director
Location: Sangamon County

Agency: Environmental Protection Agency
Position Title: Senior Public Service Administrator
Position Number: 40070-46-16-200-00-01
Division: Administrator/Div. Of Laboratories
Incumbent: Vacant
Supervisor: Deputy Director
Location: Sangamon County

V. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION.

VI. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 9:25 a.m.

PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell, Barbara J. Peterson and Betty Bukraba (via telephone), Commissioners; and Daniel Stralka and Andrew Barris of the Commission staff.

VII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of January 31, 2005.

	<u>12/31/04</u>	<u>1/31/05</u>
Central Management Services	9	4
Children & Family Services	1	1
Comm. & Econ. Opportunity	3	5
Employment Security	0	1
Historic Preservation	2	0
Human Services	3	5
Natural Resources	11	6
Public Aid	3	8
Public Health	2	1
Revenue	0	1
State Fire Marshal	0	1
State Retirement Systems	1	0
Transportation	<u>3</u>	<u>8</u>
Totals	38	41

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• **DISCHARGE**

DA-32-05

Respondent	Joseph Beauchamp	Appeal Date	12/08/04
Agency	DHS	Decision Date	2/04/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct Unbecoming A State Employee.	Recommended Decision	Appeal Not Filed Timely; No Jurisdiction.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDED DECISION THAT THE COMMISSION IS WITHOUT JURISDICTION TO CONSIDER THE APPEAL OF THE RESPONDENT, JOSEPH BEAUCHAMP.

• **DISCHARGE**

DA-97-04

Respondent	Michelle D. Sullivan	Appeal Date	6/04/04
Agency	DHS	Decision Date	2/8/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Abuse of an Individual.	Recommended Decision	Charges Proven; Discharge Upheld.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDED DECISION THAT THE RESPONDENT, MICHELLE D. SULLIVAN, BE DISCHARGED FROM HER POSITION OF MENTAL HEALTH TECHNICIAN II WITH THE DEPARTMENT OF HUMAN SERVICES, STATE OF ILLINOIS.

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL (continued)

• **SUSPENSION**

S-07-05

Respondent	Mary L. Thomas	Appeal Date	7/08/04
Agency	DCFS	Decision Date	2/04/05
Type of Appeal	Suspension	ALJ	Daniel Stralka
Charge(s)	Inappropriate Behavior; Failure to Perform Duties/Follow Directive; Unprofessional Conduct.	Recommended Decision	Charges Proven; Suspension Upheld.

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE SUSPENSION OF THE RESPONDENT, MARY L. THOMAS.

IX. AMENDMENTS IN CLASS SPECIFICATIONS

A. **The following class title was submitted for revision by the Director of Central Management Services:**

Current Position Title

Proposed Position Title

Veterans Service Officer

No change in title

Recommendation For Commission Action

Central Management Services submitted September 11, 2001 to January 31, 2005 as ascertainable dates designating the War on Terrorism for purposes of the Veterans Service Officer class. As the conflict continues, CMS will return to the Civil Service Commission to revise this date.

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IX. AMENDMENTS IN CLASS SPECIFICATIONS (continued)

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE REVISION OF THE CLASS SPECIFICATIONS FOR THE FOLLOWING CLASS TO BE EFFECTIVE MARCH 1, 2005.

Veterans Service Officer

IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND THE MOTION UNANIMOUSLY ADOPTED TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

X. FY2004 ANNUAL REPORT

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER EWELL AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE FISCAL YEAR 2004 ANNUAL REPORT.

XI. STAFF REPORT

- Executive Director Daniel Stralka noted that Fiscal Year 2006 ISLs have been completed and are due at Noon today.
- A monthly open appeal meeting has been instituted among the commission staff to ensure all appeals are moving along at an adequate pace to disposition.
- After discussion, it was the consensus of the Commission that individual cover memos containing an appeal summary are not required for every appeal.
- Executive Director Daniel Stralka made a presentation on the discharge process to DCFS Labor Relations staff on February 9, 2005, and participated in a human resources presentation to University of Illinois at Springfield students on February 14, 2005.
- Assistant Executive Director Andrew Barris has initiated a search for an intern to assist commission staff with a variety of administrative duties.

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XII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, March 17, 2005 at 9:00 a.m. in the Commission's Chicago Office.

XIII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 9:32 A.M.